

Supplemental Directors Civil Rights Guide



Colorado Department
of Public Health
and Environment

In addition to the CACFP *Civil Rights & Your Institution, Self-Study Training Guide*, this supplemental directors guide has been developed to cover additional areas of civil rights pertinent to the leadership role you serve at your Institution. You may find this helpful as an additional resource regarding civil rights compliance.

This supplemental guide will cover:

- Assurances
- Compliance Reviews
- Resolution of Noncompliance
- Annual Data Collection of Race and Ethnicity



Assurances

Through your Institution's participation in CACFP you have come into agreement of certain assurances regarding civil rights compliance. These assurances are in the CDPHE-CACFP contract with each Institution and include:

- Compile data
- Maintain records
- Submit reports (as required)
- Permit effective enforcement of the nondiscrimination laws and
- Permit authorized USDA personnel during the hours of program operation to review such records, books and accounts as needed to ascertain compliance with the nondiscrimination laws.

Compliance Reviews

The State Agency conducts civil rights compliance reviews. Compliance with civil rights is evaluated during:

• Pre-Approval Reviews

The State Agency determines if all Institutions are in compliance with civil rights requirements prior to approval for benefits of CACFP. The determination is based on a review of application information and when possible, by an onsite pre-approval visit.

• Post Award or Routine Compliance Reviews

The State Agency conducts civil rights compliance reviews of participating Institutions during program reviews, according to the frequency set forth in 7 CFR 226.6 (m) (6). Sponsors of Centers are instructed to conduct the civil rights reviews when they conduct their monitoring of sites.

The Civil Rights Compliance Reviews Include the Following:

- An assessment of whether potentially eligible persons and households have an equal opportunity to participate in the program.
- Whether the Program records are coded in any way by race or ethnic origin.
- Whether institutions and sites are displaying the USDA “*And Justice for All*” poster in a conspicuous location
- Whether the nondiscrimination statement is included on all printed materials such as applications, pamphlets, forms or any other program materials, including menus, distributed to the public and on website, whether graphic materials reflect inclusiveness based on race, color, national origin, age, sex and disability.
- Whether the program information is available to potentially eligible persons, program applicants, and participants.
- To observe and ask what organizations within the community may assist the institution or facility in reaching potentially eligible populations.
- Whether actual applicant and participant racial and ethnic data are collected and maintained on file for 3 years.
- Whether civil rights complaints are handled in accordance with procedures
- Whether the institution or other sub-recipient has conducted the required annual civil rights training for its staff.

Resolution of Non-Compliance

Non-compliance is when any civil rights requirement, as provided by law, regulation, policy, instruction or guidelines is not being followed.

Non-compliance may be the result of:

- A review of civil rights compliance during routine monitoring
- A special review (complaint follow-up), or
- An investigation

Once non-compliance is determined, steps must be taken to immediately obtain voluntary compliance. The State agency must provide immediate written notice to the Institution regarding areas of noncompliance and the action required to correct the situation, as well as, work with the Institution to achieve compliance. If corrective action has not been completed within 60 days of the findings, the State Agency will submit a report to the Regional Administrator a Report of Findings of Noncompliance.

Data Collection

Ethnic and racial data must be collected each year by each institution prior to initial approval and approval of participation recertification. Each year, the institution must report demographic information (race and ethnicity) of the population residing in the surrounding area where care is provided. In addition, each institution will provide actual counts of enrolled participants in each race and ethnic grouping. This information is captured using the State agency’s online system,

<http://co.cnpexpress.com/>.

